

REMARKS

Claims 5-13 remain pending in the instant application after the foregoing amendments. Claims 1-4 and 15-19, 21, 32 and 33 have been cancelled without prejudice. Applicants expressly reserve the right to file continuation applications to the subject matter not currently being pursued.

Section 112

The Examiner has rejected Claims 13, 15-19, 21 and 32-33 under 35 U.S.C. § 112, first paragraph.

In order to expedite the prosecution of the instant application, Applicants have cancelled Claims 15-19, 21 and 32-33. Applicants have amended Claims 12 and 13 to remove the phrase "or preventing cancer." Additionally, Claim 12 has been amended so the claim is independent on Claim 5, which is a list of specific compounds, and Claim 13 has been amended to include "breast carcinoma" in the list of cancers. Applicants assert that no new matter has been added by these amendments. Applicants believe that the Examiner's concerns have been addressed and request that this rejection be withdrawn.

Section 102

The Examiner has rejected Claims 1-4, 11-13, 15-19, 21 and 32-33 under 35 U.S.C. § 102(b) as allegedly being anticipated by US 6,380,203 and WO 00/53605.

In order to expedite the prosecution of the instant application, Applicants have cancelled Claims 1-4, 15-19, 21 and 32-33. Applicants have amended Claims 11-13 to depend from Claim 5. Applicants believe that the Examiner's concerns have been rendered moot and request that this rejection be withdrawn.

Section 103

The Examiner has rejected Claims 1-13, 15-19, 21 and 32-33 under 35 U.S.C. § 103(a) as allegedly being obvious over US 6,380,203 and WO 00/53605.

Applicants note that Claims 1-4, 15-19, 21 and 32-33 have been cancelled. Claims 5-10 list specific compounds and Claims 11-13 now depend from Claim 5. Applicants contend that the compounds recited in Claim 5 are non-obvious over the references cited by the Examiner. Applicants assert that there is no teaching or suggestion in the cited references to

motivate one with ordinary skill in the art to prepare the specific compounds claimed.
Therefore, Applicants respectfully request that this rejection be withdrawn.

Double Patenting

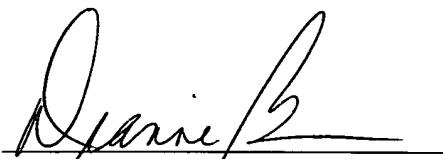
The Examiner has rejected Claims 1-13, 15-19, 21 and 32-33 on the grounds of non-statutory obviousness-type double patenting as allegedly being unpatentable over Claims 1-14 of US 6,380,203. The Examiner has also rejected Claims 1-11 as allegedly being unpatentable over Claims 1-3 of US 6,245,759. The Examiner has also rejected Claims 12-13, 15-19, 21 and 32-33 as allegedly being unpatentable over Claims 1-13 of US 6,544,988.

Applicants note that Claims 1-4, 15-19, 21 and 32-33 have been cancelled without prejudice. Claims 5-10 recite specific compounds which are not disclosed in the references cited by the Examiner. Applicants contend that there is no teaching or suggestion in the cited references to motivate one with ordinary skill in the art to make the specific compounds claimed. Therefore, Applicants respectfully request that this rejection be withdrawn.

Applicants respectfully contend that Claims 5-13, as amended, are allowable and an early Notice of Allowance is earnestly solicited. If a telephonic communication will aid in the advancement of the prosecution of this application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this amendment to Merck Deposit Account No. 13-2755.

Respectfully submitted,

By



Dianne Brown
Registration No. 42,068
Attorney for Applicants

Merck & Co., Inc.
PO Box 2000 - RY 60-30
Rahway, New Jersey 07065-0907
Telephone No. (732) 594-1249

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